

NATIONAL COMPANY LAW TRIBUNAL

राष्ट्रीय कंपनी विधि अधिकरण

CUTTACK BENCH

कटक खंडपीठ

ORDER OF THE HEARING ON 22nd APRIL, 2024, 10:30 A.M.

TP No. 01/CTB/2020(CP (IB) No. 1283/MB/2017)
 IA (IB) No. 94/CB/2022, IA (IB) No. 296/CB/2022
 IA (IB) No. 272/CB/2023, IA (IB) No. 362/CB/2023,
 IA (IB) No. 3/CB/2024, IA (IB) No. 78/CB/2024,
 IA (IB) No. 79/CB/2024, IA (IB) No. 110/CB/2024

Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj
2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh

Name of the Company	Axis Bank Ltd. -Vs- BSR Diagnostic Ltd.
Under Section	7 IBC

Hearing through: VC and Physical (Hybrid) Mode

For Petitioner (s)

Mr. Siddharth Sangal, Adv.} IA 296/22
 Mr. Bijay Jena, Adv.} IA 78/24
 Mr. N.K. Mishra, Adv.} IA 362/22

For Respondent (s)

Mr. P.P. Bishwal, Adv.
 Ms. Suranjana Chatterjee, Adv.
 Mr. Mukesh Kumar Jain, Liq.
 Mr. Abhishek Sharma, Adv. }
 Mrs. Kritya Sinha, Adv. } IA 272/23

ORDER**IA (IB) No. 78/CB/2024:**

This application has been filed by one of the SCC members having 73.86% votes for replacement of the Liquidator. Ld. Counsel Mr. Bijay Jena appears for the applicant. Ld. Counsel Ms. Suranjana Chatterjee along with Mr. P.P. Bishwal appears for the existing present Liquidator. Replacement of the Liquidator sought since the present Liquidator resigned on medical ground. The counsel for the applicant submitted that the proposed Liquidator Mr. Hemant Sharma has also given his consent in Annexure 6. Hence, Mr. Hemant Sharma is appointed as a Liquidator. Accordingly, this application is allowed.

IA(IB) No. 94/CB/2022:

This application has been filed under Section 19 (2) R/w 34(3) of IBC for seeking direction. Today IA(IB) No. 78/CB/2024, Liquidator has been changed. Mr. Hemant Sharma is appointed as new Liquidator, hence matter adjourned to 28.05.2024.

Sd

Sd

IA (IB) No. 296/CB/2022:

This application has been filed under Section 60 (5) of the IBC Code, 2016 read with Rule 11 of the NCLT Rules, 2016 for seeking appropriate directions against the respondents to refund the amount received from SRA into the bank account maintained by the Liquidator. Today, Mr. Hemant Sharma is appointed as new Liquidator. List the matter on 28.05.2024.

IA (IB) No. 272/CB/2023

This application has been filed under Section 60(5) of IBC, 2016 for direction against the erstwhile Successful Resolution Applicant to provide details of the missing machineries. Today, Mr. Hemant Sharma is appointed as new Liquidator. List the matter on 28.05.2024.

IA (IB) No. 362/CB/2023:

This application has been filed under Section 60 (5) of IBC R/w Rule 11 of NCLT Rules, 2016 for direction to release the payment of P.F by the Regional Provident Fund Department. List the matter on 28.05.2024.

IA (IB) No. 3/CB/2024:

This application has been filed under Section 60 (5) of IBC R/w Rule 11 of NCLT Rules, 2016 to implead the erstwhile RP as a respondent in IA (IB) No. 272/CB/2023 by the Liquidator. Today, Mr. Hemant Sharma is appointed as new Liquidator Respondent is represented by Ld. Counsel Mr. Abhisek Sharma. List the matter on 28.05.2024

IA (IB) No. 79/CB/2024:

This application has been filed under Section 60(5) of IBC for extension of Liquidation period for six months. Another IA(IB) No. 78/CB/2024 is allowed for replacement of Liquidator. The counsel for Liquidator submitted that since appeal against the forfeiture of amount and Liquidation order is pending before Hon'ble NCLAT and other applications are also pending, hence extension sought. The reason accepted Liquidation period extended six months from 09.03.2024. Now, the Liquidation period ends with 08.09.2024. Thus, this application is Allowed.

IA (IB) No. 110/CB/2024:

Ld. Counsel Ms. Suranjana Chatterjee along with Mr. P.P. Bishwal appears for Liquidator. 9th progress Report for the quarter ended 31st March, 2024 discussed and taken on file, subject to just exceptions. Accordingly, this application is allowed and disposed of.

Sd

Kaushalendra Kumar Singh
Member (Technical)

Sd

P. Mohan Raj
Member (Judicial)